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Application/Control Number: 09/913,317
Art Unit: 3643
September 11, 2006
Page 7

Remarks

It is observed that the Examiner still rejected claims 62-6465, 69 and 73 as being anticipated by Rack, claims 81-83 as being anticipated by Gaughen, and claims 43, 45-46, 50-51 and 53, 54 as being unpatentable over Gaughen in view of Rack.

According to the Examiner, the Rack reference is not used to disclose the seeds being provided inside the substrate and therefore the applicant's argument is moot.

As a first consideration, the applicant did not want to attack the single references individually. It is well known that an obviousness rejection must be dealt with considering the references in combination.

Indeed, the applicant wanted to stress that Rack could not be used in combination with Gaughen since it relates to a different method and wherein two different layers are used, a bonding layer and a retaining layer while in the applicant's claimed method, as claimed in currently amended claim 1, only one (single) adhesive agent is employed to keep the sod together, with the sod that contains the seeds.

This means that if the skilled man in the art would combine the references to Gaughen and Rack, he would end up with a method wherein two different bonding layers are used, as taught in Rack. Thus, the skilled man in the art that looks at Rack obtains the teaching of laying two distinct bonding layers at two distinct steps of the method and thus when using Rack in combination with Gaughen the skilled man in the art would not arrive at the applicant's claimed invention as claimed in amended claim 1 wherein it is recited that a single bonding agent (layer) is used.

Thus, it should be evident that the applicant's claimed invention, as claimed in newly amended claims 43 and 62, is not obvious over the combination of Gaughen and Rack.

Application/Control Number: 09/913,317
Art Unit: 3643
September 11, 2006
Page 8

As to independent claims 81, it is believed that current claim 81 is both new and unobvious over Gaughen since Gaughen does not teach cutting or pressing the seeding bed to obtain sods and then inserting the seeds, as claimed in applicant's claim 81.

On the contrary, Gaughen teaches preparing a seeding layer wherein seeds are inserted and then a paper roller applicator is used to force a paper sheet against the moving partially formed mat (see column 5, lines 5-31).

Thus, pressure is applied to the partially formed mat when the seed are already present. Only after the paper application step the cutting step is performed to define the individual sods (see column 5, lines 32-55).

Thus, it is maintained that present claim 81 is also new and inventive over Gaughen. Novelty should be undisputed since it has been demonstrated that Gaughen provides for a pressing step after the seeds have been inserted and before cutting the mat into sods. The unobviousness should instead be recognized since the method according to claim 81 solves the problem of having to press a seeding bed that already contains the seeds, with the drawback that the seeds are also subjected to the pressing action, with the consequence that the seeds may change their position inside the sod or even fall outside the sod.

The application should now be in an allowable condition and allowance thereof is respectfully requested.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

While it is believed that the amended claims properly define the present invention, applicant would be open to any suggestion the Examiner may have concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Application/Control Number: 09/913,317
Art Unit: 3643
September 11, 2006
Page 9

Respectfully submitted,


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